

MANDATE

05-40004
J. Saylor
USDC-MABO

**United States Court of Appeals
For the First Circuit**

No. 05-1481
05-1524

GEORGE BENYAMIN,
Plaintiff, Appellant,

v.

THOMAS BELIVEAU, ATTORNEY, ET AL.,
Defendants, Appellees.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lynch, Circuit Judge.

JUDGMENT

Entered: September 21, 2005

Currently pending before the court are appellant's duplicate appeals from the district court's dismissal with prejudice of his pro se prisoner complaint for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and § 1915(A)(b)(1). Benyamin seeks to proceed on appeal in forma pauperis. The district court has certified that the appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3)(A), and appellant has filed the present motion challenging that certification. We agree with the certification.

Having reviewed the record and appellant's brief, we conclude that no substantial question is presented by these appeals. Therefore, the district court's Order of Dismissal dated March 16, 2005 is affirmed. See 1st Cir. R. 27(c).

By the Court:

Richard Cushing Donovan, Clerk.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 10/13/05

By: MARGARET CARTER
Chief Deputy Clerk.

[cc: George Benyamin, Alan Mason, James Beliveau, Jamie Milot]